

quired by the State of Texas, the same to be designed by name as, 'San Jacinto State Park;' making an appropriation therefor, and declaring an emergency."

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, March 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 65, A bill to be entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion, and authorizing the Attorney General to bring suit therefor; and providing penalties for violations of the provisions of this act,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

FORTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, March 7, 1907.

Senate met pursuant to adjournment.

President Pro Tem. Skinner in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Willacy.

Absent.

Watson.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of

yesterday, on motion of Senator Harbison, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senator Mayfield:

Senate bill No. 254, A bill to be entitled "An Act to amend Section 1, of Article 1093, Title XV of the Code of Criminal Procedure of the State of Texas, so as to provide for the payment of any witness who may have been recognized, subpoenaed or attached and given bond for his appearance before any grand jury out of the county of his residence to give testimony in a criminal case, and who shall appear in compliance with the obligation of such recognizance or bond."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stokes:

Senate bill No. 255, A bill to be entitled "An Act to amend Chapter 5, Title CII, of the Revised Civil Statutes of Texas of 1895, as amended by the Acts of 1899, by amending Article 5001c, as enacted by the Twenty-ninth Legislature of 1899, relating to the mode of preventing certain animals from running at large in counties or in subdivisions thereof, so as to provide relief for enclosed land owners in cases where such land adjoins territory in which a stock law is enforced, and providing an emergency."

Read first time and referred to Judiciary Committee No. 1.

Morning call concluded.

HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, March 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 162, A bill to be entitled "An Act creating the San Saba Independent School District."

House bill No. 476, A bill to be entitled "An Act to authorize the government of the United States to obtain title to land for a National park to be located in the counties of Armstrong and Randall in the State of Texas, and to condemn same, and to define procedure for such condemnation."

House bill No. 508, A bill to be entitled "An Act to create a more efficient

road system for Williamson county, Texas."

House bill No. 538, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Sulphur Springs, in the county of Hopkins and in the State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Sulphur Springs Independent School District, with all the powers and rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only."

House bill No. 535, A bill to be entitled "An Act to incorporate the city of Temple in Bell county, Texas; to fix the boundaries thereof; to grant it a special charter; to define its powers; to provide for its government and the management of its affairs, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

House bill No. 459, A bill to be entitled "An Act creating an independent school district to be known as the Hagerman Independent School District, including within its limits the town of Hagerman, and to provide for the creation of a board of trustees thereof, and authorize the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board."

House bill No. 462, A bill to be entitled "An Act incorporating the Cisco Independent School District in Eastland county, Texas, for free school purposes only, defining its boundaries and providing for a board of trustees; divesting the city of Cisco of the control of its public schools and title to school property, and vesting the same in said Cisco Independent School District, and its board of trustees; prescribing the rights, powers, privileges and duties of said Cisco Independent School District and its board of trustees, and declaring an emergency."

House concurs in Senate amendments to Committee Substitute House bill Nos. 63 and 173 by the following vote: Yeas 94, nays 2.

Also granted the request of the Senate for conference committee on Senate bill No. 8 and appointed the following

on the part of the House: Messrs. Gafford, Hamilton, Bryan, Robertson of Bell, and Graham.

House does not concur in Senate amendments to House bill No. 10, and requests the appointment of a free conference committee, and the following have been appointed on the part of the House: Messrs. Wolfe, Ray, Davis of Brazos, O'Bryan and Fuller.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 5.

The Chair laid before the Senate, as special order, House bill No. 5 (the pure food bill), and

Senator Looney moved that the further consideration of the bill be postponed until 2:30 o'clock today.

The point of order was raised that it would require a two-thirds vote to postpone the special order, which point of order was sustained by the Chair.

Senator Looney then withdrew the motion to postpone until 2:30 o'clock and moved that the special order, House bill No. 5, be suspended and the Senate take up, out of its order, House bill No. 14.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—15.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Harper.	Stokes.
Holsey.	Terrell.
Kellie.	

Nays—13.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Willacy.
Hudspeth.	

Absent.

Harbison.	Watson.
Paulus.	

The Chair then laid before the Senate on second reading and special order

House bill No. 5, A bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drugs, prescribing penalties

for the violation of this act, to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency."

The question was on the committee report, which recommended the passage of the bill, with amendments.

Senator Harper offered the following amendment to the committee report:

Move that the committee report be adopted down to and including the words "do pass," in line 16, page 28, and striking out all the remainder of the recommendations.

(Senator Looney in the chair.)

Senator Grinnan offered a substitute for the amendment, and

Senator Skinner raised the point of order on the substitute amendment, stating that the report could be amended by striking out, but not by adding to; that the substitute would not be in order until after the action on the committee report, in that it sought to add subject matter.

The Chair overruled the point of order, and

Senator Terrell raised the point of order that the committee report was not subject to amendment until it was adopted and became a part of the bill.

The Chair overruled the point of order.

Senator Smith made the point of order that both the amendment and substitute were out of order, and

The Chair sustained the point of order.

Pending further discussion on the subject by Senators Skinner and Smith, Senator Skinner contending that the amendment sought to strike out matter from the report, and was in order, and that the substitute sought to add to the report and was out of order. Senator Smith contended that, according to former practice, if the amendment was in order, the substitute should also be in order.

The Chair (Senator Looney) reversed his ruling and ruled that the amendment by Senator Harper, which sought to strike out a portion of the report, was in order, and that the substitute, which sought to add new matter to the report, was out of order.

Senator Terrell then moved the previous question on the amendment by Senator Harper and the committee report. The motion was duly seconded and was so ordered.

(Lieutenant Governor Davidson in the chair.)

Action then recurred on the amendment by Senator Harper, which was adopted by the following vote:

Yeas—17.

Brachfield.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Griggs.	Paulus.
Grinnan.	Senter.
Harper.	Skinner.
Holsey.	Stone.
Kellie.	Willacy.
Masterson.	

Nays—11.

Alexander.	Hudspeth.
Barrett.	Looney.
Chambers.	Smith.
Cunningham.	Terrell.
Greer.	Veale.
Harbison.	

Absent.

Green.	Watson.
Stokes.	

The committee report as amended was then adopted.

Senator Brachfield offered the following amendment:

Amend the bill by adding "Section 6a," which shall read as follows:

"Section 6a. Whenever any hotel, tavern, restaurant or boarding house shall knowingly serve for the use of their patrons such food as is defined in this bill as compounds, imitations, blends, renovated butter, imitation cheese, adulterated milk, or adulterated lard, shall keep conspicuously posted in the room or place where their patrons are served a sign in plain and legible letters the following words: 'We serve adulterated food.'

"Whoever shall fail to comply with the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not less than \$25 nor more than \$500 or by imprisonment in the county jail for not less than six months nor more than one year or by both such fine and imprisonment. Each day shall constitute a separate offense."

(Note—Pending consideration of this bill the bill was recommitted, hence this amendment was withdrawn.—Journal Clerk.)

Senator Harbison moved to table the amendment.

(Senator Harbison in the chair.)

Senator Meachum moved that the Sen-

ate adjourn until tomorrow morning at 10 o'clock, and Senator Skinner moved that the Senate recess until 2:30 o'clock today.

Action being on the longest time first, the motion to adjourn until tomorrow was lost by the following vote:

Yeas—11.

Alexander.	Murray.
Chambers.	Paulus.
Glasscock.	Stokes.
Hudspeth.	Stone.
Kellie.	Willacy.
Meachum.	

Nays—19.

Barrett.	Holsey.
Brachfield.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	

Absent.

Watson.

The motion to recess was withdrawn.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Resolved, That Senate bill No. 208 be recalled from the public printer and that it be not printed.

The resolution was read and adopted.

RECESS.

On motion of Senator Skinner the Senate at 12:30 o'clock recessed until 3 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE JOINT RESOLUTION NO. 7.

Action recurred on House bill No. 5, the question being on the motion to table the amendment by Senator Brachfield, and

On motion of Senator Barrett the pending order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, House Joint Resolution No. 7, by the following vote:

Yeas—25.

Alexander.	Brachfield.
Barrett.	Chambers.

Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Meachum.
Green.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Stokes.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Willacy.
Kellie.	

Nays—3.

Looney.	Stone.
Smith.	

Absent.

Harbison.	Watson.
Murray.	

The Chair laid before the Senate, on third reading,

House Joint Resolution No. 7, Joint Resolution amending Section 3, Article 7, of the Constitution of the State of Texas, increasing the amount of tax that may be voted on school districts and providing for a majority vote of the property tax paying voters of such district to vote such tax.

The resolution was read third time and passed by the following vote:

Yeas—23.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Glasscock.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Smith.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	

Nays—3.

Faust.	Stone.
Murray.	

Absent.

Green.	Watson.
Harbison.	Willacy.
Stokes.	

Senator Barrett moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 423.

On motion of Senator Veale, the pending order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 423.

The Chair laid before the Senate, on second reading,

House bill No. 423, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Claude, in the county of Armstrong, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Claude Independent School District, with all the powers, rights, and duties of independent school districts formed by incorporations of towns and villages, for free school purposes only."

On motion of Senator Veale, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Willacy.
Looney.	

Absent.

Cunningham.	Kellie.
Harbison.	Watson.

The bill was read third time, and passed by the following vote:

Yeas—29.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Smith.
Harper.	Stokes.
Holsey.	Stone.

Terrell.
Veale.

Willacy.

Absent.

Harbison.

Watson.

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 366.

On motion of Senator Paulus, the pending order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 366.

The Chair laid before the Senate on third reading.

House bill No. 366, A bill to be entitled "An Act to amend Chapter XIV, General Laws of the State of Texas, passed at the Regular Session of the Twenty-seventh Legislature of the State of Texas," etc.

The bill was read third time, and finally passed.

HOUSE BILL NO. 396.

On motion of Senator Murray, the pending order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 396.

The Chair laid before the Senate, on second reading,

House bill No. 396, A bill to be entitled "An Act to restore, to confer upon the county court of Frio county, the civil and criminal jurisdiction belonging to such court under the Constitution and General Statutes of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, so far as relates to Frio county."

On motion of Senator Murray, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Alexander.	Faust.
Barrett.	Glasscock.
Brachfield.	Green.
Chambers.	Greer.
Cunningham.	Griggs.

Grinnan.	Paulus.
Harper.	Senter.
Holsey.	Skinner.
Hudspeth.	Smith.
Kellie.	Stokes.
Looney.	Stone.
Masterson.	Terrell.
Mayfield.	Veale.
Meachum.	Willacy.
Murray.	

Absent.

Harbison.	Watson.
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The bill was read third time and passed by the following vote:

Yeas—29.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harbison.	Watson.
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Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 184.

On motion of Senator Grinnan, the pending order of business (House bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 184.

The Chair laid before the Senate, on third reading,

House bill No. 184, A bill to be entitled "An Act for the relief of the present owners and occupants and their heirs and assigns of three surveys of land situated in Comanche county, consisting of one-third league each, one of which was patented to the heirs of Thomas J. Blakemore by patent No. 85, Vol. 16, issued on the 4th day of October, 1859, one patented to the heirs of Joseph J. Blakemore by patent No. 84, Vol. 16, issued on the 4th day of October, 1859, and one patented to the heirs of Joseph Blakemore by patent No. 278, Vol. 15, issued on the 11th day of February, 1861, whereby the State of Texas

relinquishes to said owners and occupants of said land whatever right, title or interest there may be in the State of Texas to escheat said land by reason of the fact that the heirs of the original grantees inherited said land at a time that Texas was a republic and while they, the said heirs, were aliens to the said Republic of Texas, without there-after complying with the provisions of the Constitution of the Republic of Texas for such cases made and provided."

The bill was read third time and passed.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 73.

Senator Mayfield moved that the pending order of business (House bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 73, and

Senator Skinner moved, as a substitute, that the pending order of business (House bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 14.

Senator Terrell moved to table the substitute motion, which motion to table was adopted by the following vote:

Yeas—12.

Brachfield.	Looney.
Cunningham.	Paulus.
Green.	Senter.
Greer.	Skinner.
Harper.	Smith.
Holsey.	Terrell.

Nays—16.

Alexander.	Kellie.
Barrett.	Masterson.
Chambers.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Griggs.	Stone.
Grinnan.	Veale.
Hudspeth.	Willacy.

Absent.

Harbison.	Watson.
Stokes.	

The motion by Senator Mayfield was then adopted.

The Chair laid before the Senate, on third reading,

House bill No. 73, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on passenger trains and coaches in this State."

The bill was read third time and passed.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 16.

Senator Skinner moved that the pending order of business (House bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 14.

Senator Willacy moved, as a substitute, that the pending order of business (House bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 16.

Senator Skinner moved to table the substitute motion, which motion to table was lost by the following vote:

Yeas—15.

Alexander.	Masterson.
Chambers.	Mayfield.
Faust.	Meachum.
Greer.	Murray.
Griggs.	Stone.
Grinnan.	Veale.
Hudspeth.	Willacy.
Kellie.	

Nays—13.

Barrett.	Looney.
Brachfield.	Paulus.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Harper.	Terrell.
Holsey.	

Absent.

Harbison.	Watson.
Stokes.	

The substitute motion was then adopted.

The Chair laid before the Senate, on third reading,

House bill No. 16, A bill to be entitled "An Act to amend Title I of the Revised Civil Statutes of the State of Texas of 1895, relating to adoption of children, by adding thereto Article 2a, providing for the transfer by the natural to the adoptive parents of the custody and parental authority over an adopted child."

The bill was read third time and passed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, March 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House con-

curs in Senate amendments to House bill No. 216, by the following vote: Yeas 91, nays 0.

Also granted the request of the Senate for a free conference committee on Senate bill No. 55, and the following have been appointed on the part of the House: Messrs. Wilmeth, Canales, Pool, Adams and Elkins.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 10.

The Chair (Lieutenant Governor Davidson) announced the appointment of the following as the free conference committee on House bill No. 10: Senators Green, Griggs, Skinner, Smith and Looney.

HOUSE BILL NO. 5 RECOMMITTED.

House bill No. 5 being regular order, Senator Smith moved that further consideration of this bill be postponed until 5 o'clock p. m. today.

Senator Stone moved to table the motion to postpone, which motion to table was lost by the following vote:

Yeas—13.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Greer.	Stone.
Griggs.	Veale.
Hudspeth.	Willacy.
Kellie.	

Nays 15.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Harper.	Terrell.
Holsey.	

Absent.

Harbison.	Watson.
Senter.	

Action here recurred on the motion to postpone House bill No. 5 until 5 o'clock today, and the question was raised and the point of order was made as to whether it would require a two-thirds vote or a majority vote to postpone the bill, and the Chair ruled that it would take a two-thirds vote.

Senator Smith then withdrew his motion to postpone.

Senator Brachfield moved to recommit

House bill No. 5 to Judiciary Committee No. 2.

Senator Skinner moved the previous question on the motion.

The previous question being duly seconded, was ordered by the following vote:

Yeas—15.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Harper.	Terrell.
Holsey.	

Nays—14.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Griggs.	Paulus.
Grinnan.	Stone.
Hudspeth.	Veale.
Kellie.	Willacy.

Absent.

Harbison. Watson.

Question recurred on the motion to recommit, and

Senator Murray made the point of order that Judiciary Committee No. 2 had already reported the bill and that the committee report had been adopted, and that the bill could not be recommit-
mitted.

The Chair sustained the point of order on the question that the committee report had been adopted.

Senator Looney moved to reconsider the vote by which the committee report on House bill No. 5 was adopted, and

Senator Skinner moved the previous question on the motion. The previous question was duly seconded and was so ordered.

Senator Meachum made the point of order that it would require a two-thirds vote to reconsider the vote or to recommit the bill.

The Chair overruled the point of order, stating that a majority vote was all that was necessary.

Action then recurred on the motion to reconsider the vote by which the committee report on House bill No. 5 was adopted, and the same prevailed by the following vote:

Yeas—15.

Barrett.	Green.
Brachfield.	Greer.
Cunningham.	Harper.
Glasscock.	Holsey.

Looney.	Smith.
Mayfield.	Stokes.
Senter.	Terrell.
Skinner.	

Nays—14.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Griggs.	Paulus.
Grinnan.	Stone.
Hudspeth.	Veale.
Kellie.	Willacy.

Absent.

Harbison. Watson.

Senator Skinner moved to recommit the bill to Judiciary Committee No. 2, and moved the previous question, which was duly seconded.

Senator Griggs raised the point of order that the motion to recommit and the previous question could not be made under one motion.

The Chair overruled the point of order.

Senator Chambers moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—10.

Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Hudspeth.	Stone.
Kellie.	Willacy.

Nays—19.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Cunningham.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	

Absent.

Harbison. Watson.

Action then recurred on the previous question, which had been seconded.

Senator Murray made the point of order that the vote adopting the committee report having been reconsidered, that the question would be on the adoption of the committee report and that a substitute motion would have to be made to recommit.

The Chair overruled the point of order.

The previous question was ordered by the following vote:

Yeas—17.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	

Nays—12.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Griggs.	Paulus.
Hudspeth.	Stone.
Kellie.	Willacy.

Absent.

Harbison.	Watson.
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Question then recurred on the motion to recommit the bill and the same was adopted by the following vote:

Yeas—16.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Harper.	Terrell.
Holsey.	Veale.

Nays—13.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Griggs.	Paulus.
Grinnan.	Stone.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harbison.	Watson.
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HOUSE BILL NO. 14.

The Chair laid before the Senate, on second reading,

House bill No. 14, A bill to be entitled "An Act to authorize the city council of all cities and towns incorporated under the General Laws of this State to regulate the charges and fix the rates to be charged by all water companies or persons engaged in supplying water, gas and light to the public within the limits of said cities or towns, and occupying the streets and other public places for that purpose, and to prescribe reason-

able rules and regulations therefor, and to protect said companies and corporations or persons from imposition."

The pending question was on the motion by Senator Stone to postpone consideration of the bill until March 16. (See Journal of yesterday, page 515.)

Senator Stone moved a call of the Senate, which motion was seconded, and

The roll was called, the following Senators answering to their names:

Present—29.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harbison.	Watson.
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Senator Skinner made a point of order, citing constitutional authority, that in that there being twenty-nine members present, which was more than a quorum, that the call was practically dissolved and that the Senate could proceed with the pending business.

The Chair (Lieutenant Governor Davidson) had read the following opinion, which sustained the point of order:

The Chair has concluded of its own motion that Senate Rule No. 61 and the fourth subdivision thereof, requiring two-thirds of the members present to excuse absentees, is in conflict with Section 10, Article 3, of the Constitution, and that said rule is therefore void.

The Chair, after diligent examination of the question, rules that it is fundamental that the Legislature as a body, or either branch thereof, can not legislate, or make rules for its control, upon any matter conflicting with the plain provisions of the Constitution, and that it has in its legislative capacity the power to make rules for its guidance and control, but that in making such rules for the control and guidance of either branch of the Legislature, such rules must not be in conflict with the provisions of the Constitution, and the Chair deems Senate Rule No. 61 and subdivision 4 thereof, as above cited, to

be in conflict with the provisions of the Constitution.

Section 10, Article 3, of the Constitution provides that, "Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide." Section 11 of Article 3 provides that, "Each house may determine the rules of its own proceedings, punish its members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not for a second time for the same offense."

Now the Chair is of the opinion that the Senate has in its constitutional power the right to make rules to compel the attendance of absentees in such manner and under such penalties as the Senate may provide, but that this power is limited to the fact that there is no quorum present; that the other portion of Section 10, of Article 3, that, "Two-thirds of each house shall constitute a quorum," means precisely what it says, viz.: "To do business," and this means any kind of business that it has constitutional power to do, and that a rule permitting a motion for a call of the Senate, which is duly seconded, is within its constitutional power, but Senate Rule No. 61 and subdivision 4 thereof, as above referred to, which requires two-thirds of the members to excuse the absentees is in conflict with that portion of Section 10 of the Constitution, which provides that, "Two-thirds of each house shall constitute a quorum to do business," and that therefore said Rule No. 61 and subdivision 4 thereof as referred to, is void, and the Chair will so hold.

The Chair has great respect for the rules made in either branch of the Legislature, or both branches, for their government and control, but after due consideration, as above stated, and with due respect for the endorsement by the Senate of the constitutionality of this rule, which endorsement said rule has had for many years, the Chair believes that it is its duty to hold that said rule is in conflict with the provisions of the Constitution above referred to; and the Chair will therefore hold that Senate Rule No. 61 and subdivision 4 thereof, requiring two-thirds vote to excuse absentees is void, and that Section 10 of Article 3 of the Constitution and that portion thereof which provides that "Two-thirds of each house shall constitute a quorum to do business," is superior to said rule, and the Chair now so holds, and directs that this mem-

orandum be printed in the Journal of the Senate.

A. B. DAVIDSON,
President of the Senate.

VOTE RECONSIDERED AND SPREAD ON JOURNAL.

Senator Smith here moved to reconsider the vote by which House bill No. 5 was recommitted and spread the motion on the Journal.

The motion to reconsider and spread on the Journal prevailed.

SIMPLE RESOLUTION.

By Senator Terrell:

Notice is hereby given that I will hereby offer a resolution to change the rules so that where a majority of the Senate is present voting on one way on any measure, no call of the Senate shall be maintained to bring in the absentees.

RECESS.

Senator Smith moved that the Senate recess until 9 o'clock tomorrow morning, and

Senator Hudspeth moved that the Senate adjourn until tomorrow morning at 9:30.

Action being on the longest time first, the motion to adjourn until tomorrow morning was lost by the following vote:

Yeas—12.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Griggs.	Paulus.
Hudspeth.	Stone.
Kellie.	Willacy.

Nays—17.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	

Absent.

Harbison.	Watson.
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Action recurred on the motion by Senator Smith to recess until 9 o'clock tomorrow morning, and the yeas and nays were called for and the Secretary began the roll call when Senator Stone obtained the floor and moved, as a substitute, that the Senate recess until 10 o'clock tomorrow morning.

Senator Looney made the point of order that the roll call was in progress and the motion was out of order.

The Chair overruled the point of order.

Action being on the longest time first, the substitute motion to recess until 10 o'clock was lost by the following vote:

Yeas—12.

Alexander.	Meachum.
Barrett.	Murray.
Faust.	Paulus.
Glasscock.	Stone.
Kellie.	Terrell.
Masterson.	Veale.

Nays—17.

Brachfield.	Hudspeth.
Chambers.	Looney.
Cunningham.	Mayfield.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Willacy.
Holsey.	

Absent.

Harbison.	Watson.
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The motion to recess until 9 o'clock tomorrow was adopted by the following vote:

Yeas—18.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Terrell.
Holsey.	Veale.

Nays—11.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Paulus.
Griggs.	Stone.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harbison.	Watson.
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AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson, at 9 o'clock a. m., Friday, March 8, which was the time recessed to.

HOUSE BILL NO. 14.

Action recurred on House bill No. 14, the pending question being on the motion by Senator Stone to postpone the further consideration of this bill until March 16.

Senator Looney moved to table the motion, which motion to table was adopted by the following vote:

Yeas—16.

Alexander.	Holsey.
Barrett.	Looney.
Cunningham.	Mayfield.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Terrell.
Harper.	Veale.

Nays—9.

Chambers.	Paulus.
Faust.	Stone.
Griggs.	Watson.
Hudspeth.	Willacy.
Murray.	

Absent.

Brachfield.	Masterson.
Harbison.	Meachum.
Kellie.	Senter.

(President Pro Tem. Skinner in the chair.)

Senator Looney offered the following amendment:

Amend the bill by adding to Section 1, the following:

"Provided that the city council shall not prescribe any rate or compensation which will yield less than 10 per cent per annum net on the actual cost of the physical properties, equipments, and betterments."

LOONEY,
ALEXANDER.

Senator Terrell offered the following substitute for the amendment:

Amend the bill by adding to Section 1, the following:

"Provided that when any city council has made rates and compensation to be charged by water, gas or light companies or corporations or persons using the streets and public grounds of said city, and such party is not satisfied with such rates and charges so fixed by said city council, such persons may make application to the district court of the county where such city is located for a writ of injunction, and if said writ is granted, such court when it shall hear such cause on its merits, and if the court shall determine that the rates so

fixed by such city council was just and not too low, such court shall hear evidence as to the amount of overcharges such party seeking such writ of injunction has charged the citizens of such city since such writ of injunction was granted, and shall render judgment against such party for said amount so overcharged, and such sum shall be collected as other judgments are collected, and paid into the treasury of such city for the use and benefit of such city."

Senator Looney made the point of order that the substitute was not germane to the subject matter of the amendment.

The Chair (President Pro Tem. Skinner) overruled the point of order.

Senator Looney moved to table the substitute amendment.

Senator Terrell asked to withdraw the substitute, and Senator Looney objected and insisted on the motion to table.

The motion to table the substitute amendment prevailed by the following vote:

Yeas—15.

Alexander.	Looney.
Barrett.	Murray.
Cunningham.	Paulus.
Glasscock.	Skinner.
Greer.	Veale.
Grinnan.	Watson.
Hudspeth.	Willacy.
Kellie.	

Nays—11.

Chambers.	Mayfield.
Faust.	Smith.
Green.	Stokes.
Griggs.	Stone.
Harper.	Terrell.
Holsey.	

Absent.

Brachfield.	Meachum.
Harbison.	Senter.
Masterson.	

Senator Green offered the following substitute for the amendment:

Amend the bill by adding to Section 1 the following:

"Provided that said corporations shall always be allowed to earn at least 15 per cent per annum gross upon the actual cost of the physical properties equipments and betterments.

(Lieutenant Governor Davidson in the chair.)

Pending discussion on the bill and amendments, the Chair (Lieutenant Governor Davidson) stated that he had asked the Attorney General's Department for an opinion on the

former ruling, suspending the call of the Senate, and would, therefore, suspend the operations of the ruling on this bill, or until the opinion could be had: stating that, in his opinion, the ruling was just, but in justice to the Senate, as no notice of the ruling had been given, would allow the operation of the rules for the present.

(Senator Terrell in the chair.)

Pending discussion on the amendments Senator Meachum moved the previous question on the substitute and the amendment, which was seconded, and was ordered by the following vote:

Yeas—16.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Murray.
Greer.	Paulus.
Grinnan.	Stone.
Hudspeth.	Veale.
Kellie.	Watson.
Looney.	Willacy.

Nays—13.

Barrett.	Mayfield.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Griggs.	Stokes.
Harper.	Terrell.
Holsey.	

Absent.

Brachfield.	Harbison.
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Question then recurred on the substitute amendment by Senator Green. The substitute was lost by the following vote:

Yeas—5.

Cunningham.	Smith.
Green.	Terrell.
Harper.	

Nays—24.

Alexander.	Masterson.
Barrett.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Stokes.
Holsey.	Stone.
Hudspeth.	Veale.
Kellie.	Watson.
Looney.	Willacy.

Absent.

Brachfield.	Harbison.
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Action then recurred on the amendment by Senator Looney and the same was adopted by the following vote:

Yeas—17.

Alexander.	Looney.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Watson.
Hudspeth.	Willacy.
Kellie.	

Nays—11.

Barrett.	Senter.
Cunningham.	Skinner.
Green.	Smith.
Harper.	Stokes.
Holsey.	Terrell.
Mayfield.	

Absent.

Brachfield.	Masterson.
Harbison.	

Senator Hudspeth moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Looney offered the following amendment:

Amend the bill, page 1, line 29, by inserting between the words "water" and "gas," the word "sewer," and amend the caption by writing the word "sewer" between the words "water" and "gas."

The amendment was adopted by the following vote:

Yeas—22.

Alexander.	Looney.
Barrett.	Mayfield.
Chambers.	Murray.
Faust.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Veale.
Kellie.	Willacy.

Nays—4.

Cunningham.	Meachum.
Harper.	Stokes.

Absent.

Brachfield.	Masterson.
Glasscock.	Watson.
Harbison.	

Senator Chambers offered the following amendment:

Amend the bill by striking out enacting clause.

Senator Looney made the point of order that the amendment was out of order, in that the rules provided that an amendment to perfect the bill had precedence over an amendment to strike out the enacting clause.

The Chair (Senator Terrell) ruled that a substitute that perfected the bill was in order.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

By Senator Kellie:

Senate bill No. 256, A bill to be entitled "An Act to amend Section 1, relating to the finances of cities, towns and villages in the State of Texas, incorporated under the general laws thereof, providing for a system of depositories for their funds; and providing how and when the same shall be selected; for the bond of the depository; how and when the treasurer shall deposit in the depository and penalty for failure so to do; provide for the failure to select depository and the duty of the council or board of aldermen in that event; for warrants and how drawn; penalties; and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Glasscock:

Senate Concurrent Resolution No. 10, Resolved by the Senate, the House of Representatives concurring, that the Legislature of Texas hereby accepts the time fixed by the Hon. W. J. Bryan to address the Legislature of Texas and the citizens of Texas at the State Capitol building on the 29th day of March, 1907, and will hail with delight his presence in our midst.

(Signed) Glasscock, Alexander, Barrett, Brachfield, Chambers, Cunningham, Faust, Green, Greer, Griggs, Grinnan, Harbison, Harper, Holsey, Hudspeth, Kellie, Looney, Masterson, Mayfield, Meachum, Murray, Paulus, Senter, Skinner, Smith, Stokes, Stone, Terrell, Veale, Watson, Willacy.

The resolution was unanimously adopted.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

Senate bill No. 74, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Coleman county, situated in the town of Coleman, in Coleman county, heretofore made at private sale for and in behalf of said county by J. F. Miles and W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales."

Senate bill No. 137, A bill to be entitled "An Act to amend Article 5043, Chapter 6, Title CII, Revised Statutes of the State of Texas, so as to place Swisher county under the operation of the stock inspection law as found in Articles 5002 to 5043, inclusive, as amended by the Twenty-sixth Legislature, Chapter 119, and declaring an emergency."

Senate bill No. 173, A bill to be entitled "An Act to amend the city charter of the city of Dallas and the acts amendatory of said city charter of the city of Dallas and to amend an act entitled 'An Act to incorporate the city of Dallas and to grant it a new charter,' approved May 9, 1899, and the acts amendatory of said act by adding thereto Section 120b, and by confirming, ratifying and validating certain series of municipal coupon bonds issued by the city of Dallas by virtue of certain ordinances passed by the city council of said city of Dallas, under the charter of the city of Dallas."

Senate bill No. 196, A bill to be entitled "An Act to restore and confer upon the county court of Lipscomb county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Senate bill No. 197, A bill to be entitled "An Act creating the Kosse Independent School District in Limestone county, Texas," etc.

House bill No. 469, A bill to be entitled "An Act to restore to and confer upon the county court of Gray county the civil and criminal jurisdiction belonging to such courts under the Con-

stitution and general statutes of the State; to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, so far as it relates to Gray county."

House bill No. 470, A bill to be entitled "An Act creating an independent school district, to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board."

House bill No. 527, A bill to be entitled "An Act to amend Section 7 of Chapter 76, General Laws, 1901, enacted by the Twenty-sixth Legislature entitled 'An Act to create a more efficient road system for Erath county, Texas.'"

House bill No. 540, A bill to be entitled "An Act to amend Sections 7 and 13 of the special road laws of Bell county, Chapter 63, Acts of the Legislature of 1899, so as to regulate the pay of county commissioners when acting as road commissioners, and to regulate the rate per day at which those subject to road duty may be excused from such road duty, by the payment of one dollar per day, or three dollars for five days when all is paid in advance," with engrossed rider.

House bill No. 391, A bill to be entitled "An Act to create a more efficient road system for Camp and Upshur counties, Texas," with engrossed rider.

House bill No. 290, A bill to be entitled "An Act to amend Section 4, Chapter 58 of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of Texas, so as to change the time of holding district court in the said Thirty-sixth Judicial District."

House bill No. 375, A bill to be entitled "An Act to amend Section 2, Chapter 58 of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, organizing the Twenty-third, Twenty-fourth, Twenty-fifth,

Twenty-sixth and Forty-ninth Judicial Districts of the State of Texas, and fixing the time for holding district court therein, so as to change the time of holding the district court in the counties of Bee, Goliad, Jackson, Karnes, Refugio, Calhoun, Victoria and DeWitt, comprising the Twenty-fourth Judicial District of Texas."

House bill No. 431, A bill to be entitled "An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in Burleson county, or in any subdivision of said county."

House bill No. 447, A bill to be entitled "An Act to create the 'county court of Dallas county, at law,' to define the jurisdiction thereof and to conform to such change the jurisdiction of the county court of Dallas county."

House bill No. 448, A bill to be entitled "An Act to restore and confer upon the county court of Mills county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas; to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

House bill No. 449, A bill to be entitled "An Act to amend Chapter 46 of the Special Laws of the Regular Session of the Twenty-eighth Legislature entitled 'An Act to render more effective and efficient the present road law in the State of Texas, in its application and operation in the county of Wilbarger.'"

House bill No. 468, A bill to be entitled "An Act to restore to and confer upon the county court of Lipscomb county the civil and criminal jurisdiction belonging to such courts under the Constitution and general statutes of the State; to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, so far as it relates to Lipscomb county."

Senate Joint Resolution No. 12, to amend Section 51 of Article 3 of the Constitution of the State of Texas, as amended in 1903, so as to authorize the grant of aid in the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and making an appropriation," with amendments.

House bill No. 507, A bill to be entitled "An Act to amend the special road law of Van Zandt county, Texas, as enacted by the Twenty-eighth Legislature,

and sent to the Governor for his approval on the 8th day of April, 1901, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county."

House bill No. 533, A bill to be entitled "An Act creating the Eldorado Independent School District in Schleicher county, Texas, and defining its boundaries," etc.

House bill No. 474, A bill to be entitled "An Act to amend Sections 7, 8, 9 and 11 of an act to create a more efficient road system for Parker county, passed at the Regular Session of the Twenty-sixth Legislature, Chapter 41, amending said sections so as to change the amount necessary to be paid in cash to entitle one to be exempt from road duty, and the time of paying the same, and providing that same shall be paid to road overseers, and prescribing how he shall apply same; also designating term of court at which overseers shall report; also exempting county from liability for damages to road tools."

House bill No. 488, A bill to be entitled "An Act creating a more efficient road system for Mills county."

House bill No. 492, A bill to be entitled "An Act to amend Section 1 of an act to the Eighteenth Legislature of the State of Texas, entitled 'An Act defining the boundaries of the city of Gonzales for municipal purposes,' so as to more definitely define the boundaries of said city, and declaring an emergency."

House bill No. 497, A bill to be entitled "An Act to require all persons subject to road duty in Camp county to work ten days on the public roads of said county, or to pay \$1 for each day the roads are worked."

House bill No. 500, A bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature, and at the Regular Session of the Twenty-seventh Legislature, and the First Called Session of the Twenty-seventh Legislature, and at the Regular Session of the Twenty-eighth Legislature, and as amended by the Regular Session of the Twenty-ninth Legislature, 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line; and to prohibit the sale or shipping of game fish in this State; and to provide penalties for the violation thereof,' by fixing a penalty for the use

of poison, dynamite or other explosives in killing, catching and taking fish."

House concurs in Senate amendments to House Joint Resolution No. 7 by the following vote: Yeas 94, nays 1.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 513, A bill to be entitled "An Act to validate sales of school lands to actual settlers in such cases as the applicant or assignee did not settle within the time required by law or did not file within the time required by law the affidavit of settlement, but did settle and continue to reside upon the land in good faith."

Senate bill No. 203, A bill to be entitled "An Act to be entitled an act to incorporate the trustees of the Independent School District of the City of San Antonio, Texas, under the name San Antonio School Board," etc., with amendments.

House Concurrent Resolution No. 19, authorizing the Superintendent of Public Grounds and Buildings to lease a certain lot in the city of Austin, known as the "Alliance cotton yard."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Senator Terrell) had read and referred, after its caption had been read, the following House bill:

House bill No. 513 read and referred to Committee on Public Lands and Land Office.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the free conference committee report on Senate bill No. 55 by the following vote: Yeas 98, nays 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 55.

To Hon. A. B. Davidson, President of the Senate, and Hon. Thomas B. Love, Speaker of the House of Representatives.

Sirs: We, your free conference committee appointed on Senate bill No. 55, beg to report that we recommend the adoption of all of the House amendments to said bill except the one which amends Section 2 by striking out the words "signed by twenty-five or a majority," and inserting in lieu thereof the words, "signed by one-third."

And we recommend in lieu of that amendment the following:

Amend Section 2 by striking out the words "twenty-five or a majority of the freehold resident citizen taxpayers," and inserting in lieu thereof the words, "twenty-five of the freehold resident citizen taxpayers, or in the event there are less than seventy-five freehold resident citizen taxpayers in the proposed district, then by one-third of such freehold resident citizen taxpayers."

Respectfully submitted,

GRIGGS,
MASTERSON,
KELLIE,
MURRAY,
WILLACY,

On the Part of the Senate.

WILMETH,
CANALES,
POOL,
ELKINS,
ADAMS,

On the Part of the House.

On motion of Senator Masterson, the above report was adopted by the following vote:

Yeas—29.

Alexander.	Masterson.
Barrett.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Brachfield.

Harbison.

VOTE RECONSIDERED.

On motion of Senator Skinner, the pending order of business (House bill No. 14) was suspended, and the Senate took up, out of its order, a motion to reconsider the vote by which House bill No. 5 was recommitted, by the following vote:

Yeas—23.

Alexander.	Mayfield.
Barrett.	Meachum.
Cunningham.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Grinnan.	Smith.
Harper.	Stokes.
Holsey.	Terrell.
Hudspeth.	Veale.
Kellie.	Watson.
Looney.	Willacy.
Masterson.	

Nays—5.

Chambers.	Murray.
Faust.	Stone.
Greer.	

Absent.

Brachfield.	Harbison.
Griggs.	

Senator Skinner then moved to reconsider the vote by which House bill No. 5 was recommitted.

The motion was adopted.

HOUSE BILL NO. 513.

On motion of Senator Hudspeth, the pending order of business (House bill No. 14) was suspended, and the Senate took up, out of its order, House bill No. 513.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—27.

Alexander.	Masterson.
Barrett.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Brachfield.	Harbison.
Griggs.	Murray.

On motion of Senator Hudspeth, Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering this bill. (See Appendix for committee report.)

On motion of Senator Hudspeth the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 513, A bill to be entitled "An Act to validate sales of school lands to actual settlers in such cases as the applicant or assignee did not settle within the time required by law or did not file within the time required by law the affidavit of settlement, but did settle and continue to reside upon the land in good faith."

Bill read second time and passed to a third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Looney.
Barrett.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Brachfield.	Masterson.
Griggs.	Murray.
Harbison.	

The bill was read third time and passed by the following vote:

Yeas—26.

Alexander.	Harper.
Barrett.	Holsey.
Chambers.	Hudspeth.
Cunningham.	Kellie.
Faust.	Looney.
Glasscock.	Mayfield.
Green.	Meachum.
Greer.	Paulus.
Grinnan.	Senter.

Skinner.	Terrell.
Smith.	Veale.
Stokes.	Watson.
Stone.	Willacy.

Absent.

Brachfield.	Masterson.
Griggs.	Murray.
Harbison.	

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Skinner, the Senate, at 1:30 o'clock p. m., adjourned until 3 o'clock today, Friday, March 8.

APPENDIX.

The Chair had read the following telegram:

99 DA FN PX Paid. Night.

Manitowoc, Wis., Mch. 7th.

Gov. T. M. Campbell, Austin, Texas.

Can come Friday, March 29th. Answer to Lake Geneva, Wisconsin, whether date is satisfactory.

W. J. Bryan.

8:46 p. m.

PETITIONS.

By Senator Hudspeth:

Whereas, The Legislature of the State of Texas makes annual appropriations to the Department of Animal Husbandry or the A. & M. College for the purpose of purchasing stock to be maintained for use in teaching; and

Whereas, They make annual appropriations for the accommodation of stock and maintenance thereof; and

Whereas, They make appropriations for feeding and experiments with this stock in various ways; now, therefore, be it

Resolved, That we urgently request that the Legislature appropriate for each of the years 1907-08 and 1908-09, \$10,000 for the purchase of stock to be maintained for use in teaching, \$2500 for providing accommodations for stock and the maintenance thereof and \$5000 for feeding experiments to be planned by a board consisting of the Director of the Experiment Station, the Professor of Animal Husbandry and one member from each of the Livestock Associations

in the State, these to be named by the Presidents of the Associations, making a total appropriation for the livestock branch of the A. & M. College of \$17,500 for each of the years, 1907-08 and 1908-09.

Numerously signed.

By Senator Meachum:

We, the undersigned citizens of Grimes county, do heartily endorse Senator Meachum in his support of the Watson bill now before the Legislature, in which he wishes to suppress bucket shops and eliminate the evil of gambling in futures, without disturbing the legitimate features of the business, which we believe to be essential to the successful handling of our great products. We are glad to know he is not supporting the radical measure now pending, known as the Mayfield bill, which might result disastrously to the farmers and commerce of the country.

Numerously signed.

COMMITTEE REPORTS.

(Floor report.)

Austin, Texas, March 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 230, A bill to be entitled "An Act to create a more efficient road system for Burnet county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

Green, Chairman; Veale, Harper, Mayfield, Hudspeth, Senter, Glasscock, Meachum.

Committee Room,

Austin, Texas, March 7, 1907.

Hon A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 202, A bill to be entitled "An Act to provide for the patenting of portions of the sold public free school lands of this State, in cases where transfer of same is made by heirs, administrators, or other legal representatives, or transfers emanating through any regular court proceedings of this State,"

Have had same under consideration,

and I am authorized to report same back to the Senate with the recommendation that it do pass.

MURRAY, Chairman.

Committee Room,
Austin, Texas, March 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 220, A bill to be entitled "An Act to authorize the Commissioners of the General Land Office of Texas to have such surveying done in the territory between the Pecos river and the Rio Grande river as may be necessary to definitely locate the mineral bearing school land surveys, and to cooperate with the Director of the United States Geological Survey in making a topographic survey and map of the localities as surveyed, and making an appropriation therefor, and making the disturbance of land marks and topographical marks a misdemeanor, and declaring an emergency,"

Have had same under consideration, and I am authorized to report same back to the Senate with the recommendation that it do pass.

MURRAY, Chairman.

Committee Room,
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

House bill No. 513, A bill to be entitled "An Act to validate sales of school lands to actual settlers in such cases as the applicants or assignee did not settle within the time required by law nor did file the affidavit of settlement within the time required by law but did settle and continue to reside upon the land in good faith,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

Murray, Chairman; Grinnan, Veale, Kellie, Cunningham, Green, Alexander, Willacy.

Committee Room,
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: A majority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 16, "Proposing an amendment to Section 1 Article 3, of the Constitution of the State of Texas, relating to the Legislative power,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on Constitutional Amendments to whom was referred

Senate Joint Resolution No. 16, "Proposing an amendment to Section 1, Article 3, of the Constitution of the State of Texas, relating to the legislative power,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SETER.
GRINNAN.

(Floor report.)

Austin, Texas, March 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Internal Improvements, to whom was referred

Senate bill No. 238, A bill to be entitled "An Act providing for extensions by the Penitentiary Board of the railroad now owned by the State of Texas at the Rusk penitentiary for its maintenance, equipment and operation, providing for condemning right of way and material therefor, providing for condemnation proceedings; providing for the issuance of bonds by the Penitentiary Board aggregating one hundred and fifty thousand dollars, bearing interest at five per cent per annum, secured by a lien upon said State railroad, its extensions and equipment; providing a method of redemption of said bonds; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that the Railroad Commission of Texas shall have jurisdiction over the traffic carried on and over said State railroad, and authorizing said Commission to compel a fair division of freight and passenger charges between said railroad and connecting lines of railroad," etc.

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Brachfield, Chairman; Looney, Chambers, Meachum, Faust, Senter, Alexander, Green, Skinner, Murray, Holsey.

Committee Room,
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Concurrent Resolution No. 10, accepting the time fixed by Hon. W. J. Bryan to address the Legislature of Texas, and find the same correctly engrossed.

CUNNINGHAM, Chairman.

(Floor report.)

Committee Room,
Austin, Texas, March 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 249, A bill to be entitled "An Act to amend Article 4308, of the Revised Civil Statutes of Texas, of 1895, as amended by the act of 1899, providing that the appointment of such weighers in certain cities shall be made from counties other than those in which such cities are situated,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass and be not printed.

Stone, Chairman; Grinnan, Veale, Harper, Green, Chambers, Griggs, Masterson, Meachum, Skinner, Brachfield.

Committee Room,
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 5, A bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drugs, prescribing penalties for the violation of this act; to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency,"

Have had the same under considera-

tion, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Looney, Chairman; Terrell, Paulus, Watson, Alexander, Barrett, Greer, Hudspeth.

FORTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
Friday, March 8, 1907.

Senate met pursuant to adjournment. Lieutenant Governor Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Masterson.
Barrett.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Brachfield. Harbison.

REFUSE TO ADJOURN.

Senator Cunningham moved that the Senate adjourn until Monday morning at 10 o'clock, which motion was lost by the following vote:

Yeas—4.

Cunningham.	Kellie.
Faust.	Paulus.

Nays—19.

Alexander.	Murray.
Chambers.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Looney.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Barrett.	Glasscock.
Brachfield.	Griggs.